

Court No. - 10

Case :- APPLICATION U/S 482 No. - 4373 of 2022

Applicant :- Israr @ Israr Ahmad And Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home And Another

Counsel for Applicant :- Chandra Bhanu Singh

Counsel for Opposite Party :- G.A., Seema Upadhyay

Hon'ble Dinesh Kumar Singh, J.

1. This is a classic case where the complainant, being a member of the S.C. community, lodged an FIR against the accused, who are petitioners herein, and police after investigating the offence filed charge-sheet. After filing of the charge-sheet, the parties have entered into compromise for quashing of the proceedings. In the meantime, the complainant has been paid Rs.75,000/- as compensation by the State Government.

2. This Court is noticing this trend every day in large number of cases that after receiving the compensation from the State Government, the complainant enters into compromise with the accused for quashing of the proceedings and a petition is filed under Section 482 Cr.P.C. to quash the proceedings on the basis of compromise arrived at between the parties.

3. This Court is of the view that tax payers money is being misused in this process. It would be appropriate to disburse the compensation only on conviction of the accused and not filing of the FIR and submission of the charge-sheet. In cases where the complainant has entered into compromise with the accused for quashing of the proceedings and proceedings are quashed by this Court against the accused in exercise of its power under Section 482 Cr.P.C., the State is free to realise the compensation back to the alleged victim.

4. Present petition under Section 482 Cr.P.C. has been filed on behalf of the accused-petitioners, who are present in person and have been duly identified by Mr.C.B. Singh, Advocate, seeking quashing of the proceedings of Sessions Trial No.820 of 2020: State vs Israr & others as well as Charge-sheet No.90 of 2019 dated 26.2.2019 arising out of Case Crime No.37 of 2019, under Sections 147, 323, 504, 506 IPC, 3(1)(da), 3(1)(dha) of S.C./S.T. Act, Police Station Naseerabad, District Raebareli, pending in the

court of Special Judge S.C./S.T. Act, Raebareli and summoning order dated 6.8.2020 passed by Special Judge SC/ST Act, Raebareli.

5. The complainant (opposite party No.2) is also present in person who has been identified by his lawyer by Ms.Seema Upadhyay, Advocate.

6. Ground for quashing of the proceedings is compromise arrived at between the parties. The complainant who is alleged victim of offence submits that he has entered into compromise with opposite parties and he does not want continuance of the proceedings against the petitioners who are the accused.

7. I have considered the submissions advanced by the learned counsel for the parties.

8. The offence against the petitioners is trivial in nature except offence under Section 3(1) (da) and (dha) SC/ST Act. The Supreme Court in **2021 SCC OnLine SC 966 (Ramawater Vs. State of Madhya Pradesh)** has held as under:-

"15. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper-castes. The Courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

16. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or

where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C.

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18. We may hasten to add that in cases such as the present, the Courts ought to be even more vigilant to ensure that the complainant-victim has entered into the compromise on the volition of his/her free will and not on account of any duress. It cannot be understated that since members of the Scheduled Caste and Scheduled Tribe belong to the weaker sections of our country, they are more prone to acts of coercion, and therefore ought to be accorded a higher level of protection. If the Courts find even a hint of compulsion or force, no relief can be given to the accused party. What factors the Courts should consider, would depend on the facts and circumstances of each case."

9. Considering the fact that the parties have put their dispute behind and decided to live peacefully by entering into compromise, I find that this case is squarely covered by the judgment rendered by the Supreme Court in Ramawater Vs. State of Madhya Pradesh (supra).

10. Thus, this petition is **allowed**.

11. Consequently, entire proceedings of Sessions Trial No.820 of 2020: State vs Israr & others as well as Charge-sheet No.90 of 2019 dated 26.2.2019 arising out of Case Crime No.37 of 2019, under Sections 147, 323, 504, 506 IPC, 3(1)(da), 3(1)(dha) of S.C./S.T. Act, Police Station Naseerabad, District Raebareli, pending in the court of Special Judge S.C./S.T. Act, Raebareli and summoning order dated 6.8.2020 passed by Special Judge SC/ST Act, Raebareli, are hereby quashed.

12. Let a copy of this order be forwarded to Chief Secretary,

A.C.S./Principal Secretary (Home), Government of Uttar Pradesh, and
Principal Secretary/Additional Chief Secretary, Social Welfare Department,
Government of U.P. for necessary compliance.

(Dinesh Kumar Singh, J.)

Order Date :- 26.7.2022
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